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DEPARTMENT FOR EAP/MLS, EAP/RSP, G/TIP, AND DRL
USAID FOR ASIA BUREAU

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TAGS: [PGOV](#) [PHUM](#) [PREF](#) [KTIP](#) [KWMN](#) [CB](#)

SUBJECT: JUSTICE MINISTER COMMENTS ON LY VOUCH LENG'S NEW POSITION DO NOT INSPIRE CONFIDENCE

REF: A. PHNOM PENH 114

[1B.](#) 07 PHNOM PENH 1059

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[¶11.](#) (SBU) Summary: During a courtesy call with Minister of Justice Ang Vong Vathana on February 25, the Ambassador expressed concern over the recent news that former Appeals Court President and member of the Supreme Council of the Magistracy Ly Vouch Leng was recently appointed as a legal counsel to the Council of Ministers. Ly Vouch Leng was removed from her former positions by an August 2007 royal decree over serious allegations of corruption related to the Chhay Hour II brothel TIP case -- she allegedly accepted USD 30,000 for the release of the two convicted brothel owners. The Minister responded to the Ambassador's inquiry regarding the status of an ongoing investigation into the corruption allegation by stating that the Ministry of Justice is "waiting for a court judgment" and that the order issuing Ly Vouch Leng's removal does not prohibit her from continuing to work in the government. Regarding TIP arrests being lower during the April to December 2008 reporting period compared to the same period in 2007, the Ambassador communicated our understanding that the February 2008 enactment of the Law on the Suppression of Human Trafficking and Sexual Exploitation without prior training on the law had negatively impacted courts' abilities to successfully prosecute TIP cases. She nonetheless strongly encouraged the Ministry of Justice to work with the courts to increase prosecution efforts as a signal of continued commitment to combat TIP. End Summary.

Ly Vouch Leng Appointed as Council of Ministers Staff

[¶12.](#) (SBU) Post has confirmed that the former Cambodia Appeals Court President and member of the Supreme Council of the Magistracy Ly Vouch Leng has been appointed as a legal counselor to the Council of Ministers. The Ministry of Interior (MOI) reported in August 2007 that an MOI investigation committee found evidence that Ly Vouch Leng accepted more than USD 30,000 in bribes in exchange for the release of two TIP perpetrators arrested in connection with the high-profile Chhay Hour II brothel case (Ref B). As a result of the MOI findings, the King issued a royal decree removing Ly Vouch Leng from her positions, and in both public and private statements, Prime Minister Hun Sen and other RGC officials stated that the Chhay Hour II investigation was "not finished." Despite our numerous inquiries to the MOI and Ministry of Justice (MOJ) for information regarding the investigation, including an April 2008 request letter from the Ambassador to the Justice Minister, the RGC has not produced any information regarding the status of the investigation. In addition to raising our concerns during her February 25 meeting with Minister of Justice Ang Vong Vathana, the Ambassador sent a letter to Deputy Prime

Minister Sar Kheng expressing dismay over the news of Ly Vouch Leng's new government position, and again requesting information on the status of the investigation.

Justice Minister "No Friend of Ly Vouch Leng"

¶3. (SBU) The Ambassador's expression of concern over Ly Vouch Leng's recent appointment was met with the Minister's circumlocutions that Ly Vouch Leng's new position is not a promotion; the MOJ itself is reserving judgment on the former court president until the investigating court has made a final decision in her case; and, the decree removing her from her former positions did not stipulate that she could no longer work in the government. After his defense of Ly Vouch Leng's assuming a new government position, Ang Vong Vathana asserted that he does not wish to be associated with Ly Vouch Leng and implied that the feeling is mutual when he stated that the former judge did not show up to work when she was transferred to the MOJ after her Appeals Court removal. He stated that the court case regarding the allegations is still proceeding, and if there is a finding of corruption, that Ly Vouch Leng will be punished. However, he did not offer to follow up on the Ambassador's request for information.

Minister Blames Lower TIP Convictions on Police

¶4. (SBU) As reported in post's 2009 Cambodia TIP report (Ref A), Cambodian courts convicted no fewer than 14 TIP perpetrators in the Phnom Penh Municipal Court, and seven in provincial courts from April to December 2008. In addition, Cambodian courts convicted four foreign pedophiles during the same period. In order to match the more than 50 TIP and pedophile convictions reported for the entire 2008 TIP

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reporting period (April 2007 to March 2008), courts would have to prosecute approximately 25 related cases from January to March 2009. Based on preliminary information from the MOJ, we believe there may have been no TIP convictions in January 2009. The Ambassador urged Minister Ang Vong Vathana to emphasize the need for continued high levels of TIP prosecutions in the courts as a sign of the RGC's sustained commitment to eliminate TIP in Cambodia. The Minister averred that the problem actually lies with the police -- if the police are not enforcing the law by arresting perpetrators, then the courts have no one to prosecute.
(Comment: Post believes that slow or ineffectual investigations by the civil-law courts are a major problem, also. End comment.)

Comment

¶5. (SBU) We are confounded by the appointment of Ly Vouch Leng as a legal counsel to the Council of Ministers. We believe it is likely that a high-level CPP member made the decision to appoint Ly Vouch Leng to her new staff position, possibly believing that there had been sufficient a "cooling off" period on the part of TIP observers and that there would be indifference to her working at a low level within the government. Ly Vouch Leng is known for being well-connected within the government, and she would have had access to the highest levels to solicit for a new position. However, the relevance of a royal decree that is handed down by the Supreme Council of the Magistracy in order to remove someone based on criminal corruption allegations is lost when the RGC argues that it now must rely on a lower court to validate the findings of the Supreme Council of the Magistracy to truly remove the corrupt official from government work.

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